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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,698	08/23/2001	Sashiro Uemura	96790p375	1775

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

BERCK, KENNETH A

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,698

Applicant(s)

SASHIRO UEMURA

Examiner

Ken A Berck

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Sashiro et al. (JP 2000-149765).

Sashiro discloses (fig 1) a vacuum fluorescent display with a cathode electrode a grid electrode, an anode electrode, at least one envelope which accommodates the electrodes in a vacuum space with a display portion, a phosphor layer formed on an inner surface of the display portion of the envelope, and a cap made of x-ray shielding material and supported outside the envelope so as to surround the display portion of the envelope through a gap, having a light exit surface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sashiro et al. (JP 2000-149765) in view of Cathey et al. (US 6361391).

Sashiro discloses all of the above claim limitations but fails to clearly point out the glass being lead glass.

Cathey discloses the glass being lead glass in order for the glass to be etchable.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the display of Sashiro and the glass being lead glass in order for the glass to be etchable, as taught by Cathey, and to select the most appropriate material, since it would be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sashiro et al. (JP 2000-149765) in view of Winsor (US 5466990).

Sashiro discloses all of the above claim limitations but fails to clearly point out a cooling liquid.

Winsor discloses using a cooling liquid in order to maintain the overall temperature of the lamp at a selected temperature.

Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the display of Sashiro with the cooling liquid in order to maintain the overall temperature of the lamp at a selected temperature, as taught by Winsor.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sashiro et al. (JP 2000-149765) in view of Nakamoto.

Sashiro discloses all of the above claim limitations but fails to clearly point out using carbon nanotubes.

Nakamoto discloses using carbon nanotubes in order to decrease the driving voltage and the consumption power.

Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the display of Sashiro with the carbon nanotubes in order to decrease the driving voltage and the consumption power, as taught by Nakamoto.

Allowable Subject Matter

Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 9, the prior art of record neither shows nor suggests a cooling liquid sealed in the gap and a liquid reservoir formed in the stem to communicate with the gap, in combination with other claim limitations.

Regarding claim 10, the prior art of record neither shows nor suggests a envelope with a plurality of envelopes corresponding to a plurality of colors and the cap surrounds display portions of the plurality of envelopes all together.


Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken A Berck whose telephone number is (703)305-7984. The examiner can normally be reached on Mon-Fri 8:30-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703)305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7382 for regular communications and (703)308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

kab 
May 5, 2003


VIP PATEL
PRIMARY EXAMINER